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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:

David GRIER et al.

Group Art Unit: 2872

Application No.: 10/701,324

Examiner: Joshua L. PRITCHETT

Filed: November 4, 2003

Customer No.: 57362

Confirmation No.: 6743

For: APPARATUS, SYSTEM AND METHOD FOR APPLYING OPTICAL GRADIENT  
FORCES

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**INFORMATION DISCLOSURE STATEMENT**

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sirs:

In accordance with the provisions of 37 C.F.R. 1.56, 1.97 and 1.98, the attention of the U.S. Patent and Trademark Office is hereby directed to the references listed on the attached Forms PTO/SB/08A and PTO/SB/08B. The References were listed in the European Search Report dated December 5, 2005, which corresponds to the above-referenced application. It is requested that the information on Forms PTO/SB/08A and PTO/SB/08B be considered during the prosecution of this application, and that the references be made of record and appear among the "References Cited" on any issued patent.

Copies of the cited non-patent references in English, along with English language Abstract for Japanese Application No. JP H06-123886, which are cited on the PTO Forms SB/08A and SB/08B, are submitted herewith, and are characterized in the European Search Report, satisfying the requirement for a concise statement of relevance.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicants

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PTO/SB/17 (01-06)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL For FY 2006

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT	(\\$) 180.00
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## Complete if Known

Application Number	10/701,324
Filing Date	November 4, 2003
First Named Inventor	David Grier et al.
Examiner Name	Joshua L. PRITCHETT
Art Unit	2872
Attorney Docket No.	71527.00003

## METHOD OF PAYMENT (check all that apply)

Check  Credit Card  Money Order  None  Other (please identify): \_\_\_\_\_

Deposit Account Deposit Account Number: 50-0951 Deposit Account Name: Akerman Senterfitt

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

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## FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)

### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

### 2. EXCESS CLAIM FEES

#### Fee Description

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Small Entity Fee (\$)	Fee (\$)
- 20 or HP =	x	=			50	25
HP = highest number of total claims paid for, if greater than 20.					200	100
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)		360	180

- 3 or HP = x = \_\_\_\_\_

HP = highest number of independent claims paid for, if greater than 3.

### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x	=	

### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): IDS fee - without certification

Fee Paid (\$)

180.00

## SUBMITTED BY

Signature	Jean C. Edwards	Registration No. (Attorney/Agent) 41,728	Telephone 202-824-1791
Name (Print/Type)	Jean C. Edwards, Esq.		Date May 9, 2006

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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do not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application more than three months prior to the filing of the information disclosure statement, and thus, Commissioner is authorized to charge the fee under 1.17(p) of \$180 per the enclosed fee transmittal to Deposit Account No. 50-0951.

Respectfully submitted,

Jean C. Edwards  
Jean C. Edwards, Esq.  
Registration No. 41,728

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**Date: May 9, 2006**



ZFDK

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031  
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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/701,324
Filing Date	November 4, 2003
First Named Inventor	David Grier et al.
Art Unit	2872
Examiner Name	Joshua L. PRITCHETT
Attorney Docket Number	71527.00003

### ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Forms SB08A and SB08B with 4 cited non-patent references and English language Abstract for JP H06-123886; Copy of the European Search Report.
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
	<input type="checkbox"/> Remarks	

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Akerman Senterfitt		
Signature	<i>Jean C. Edwards</i>		
Printed name	Jean C. Edwards, Esq.		
Date	May 9, 2006	Reg. No.	41,728

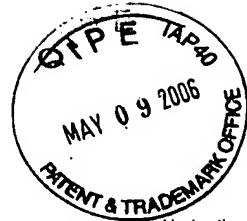
### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name		Date	

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Substitute for form 1449/PTO

## **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

*(Use as many sheets as necessary)*

Sheet 1 of 2

Complete if Known	
Application Number	10/701,324
Filing Date	November 4, 2003
First Named Inventor	David Grier et al.
Art Unit	2872
Examiner Name	Joshua L. PRITCHETT
Attorney Docket Number	71527.00003

**U. S. PATENT DOCUMENTS**

## **FOREIGN PATENT DOCUMENTS**

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
		JP H06-123886 A	08/02/1994	Nippon Telegr & Teleph Co	Abstract	

Examiner Signature		Date Considered	
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**\*EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

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Substitute for form 1449/PTO		<b>Complete if Known</b>			
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>		<b>Application Number</b>	10/701,324		
		<b>Filing Date</b>	November 4, 2003		
		<b>First Named Inventor</b>	David Grier et al.		
		<b>Art Unit</b>	2872		
		<b>Examiner Name</b>	Joshua L. PRITCHETT		
Sheet	2	of	2	Attorney Docket Number	71527.00003

<b>NON PATENT LITERATURE DOCUMENTS</b>			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		J. Liesener et al. (2000). "Multi-functional optical tweezers using computer-generated holograms". Optics Communications, Vol.185, 77-82.	✓
		Paul C. Morgensen et al. (2000). "Dynamic array generation and pattern formation for optical tweezers". Optics Communications, Vol. 175, 75-81.	✓
		Eric R. Dufresne et al. (1998). "Optical tweezer arrays and optical substrate created with diffractive optics". Review of Scientific Instruments, Vol. 69 (5), 1974-1977.	✓
		Eric R. Dufresne et al. (2001). "Computer-generated holographic optical tweezer arrays". Review of Scientific Instruments, Vol. 72 (3), 1810-1816.	✓

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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